

11/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-378

NAME AND ADDRESS: LEIGH CREEK CANAL CO  
C/O VERLE JARDINE  
446 N HWY 33  
TETONIA ID 83452

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 8.000 CFS

PRIORITY DATE: 06/01/1898

POINT OF DIVERSION:

T06N R46E S32 NENWSE Lot 3 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5 SENWNW LT 4, 6PM for the Hog Canal.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

8.000 CFS

PLACE OF USE:

**Large Place of Use**

3173.84 ACRES TOTAL

Place of use is within the area served by Leigh Creek Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

This water right is also recorded as Wyoming Certificated Water Right No. \_\_\_\_.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-378  
Date Received: 1/11/2005  
Receipt No: E030548  
Received By: Allen

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LEIGH CREEK CANAL CO Phone: (208) 456-2845  
§ VERLE JARDINE  
446 N HWY 33  
TETONIA ID USA 83452

2. Date of Priority: 06/01/1898

3. Source: SOUTH LEIGH CREEK , SOUTH LEIGH CREEK Trib. to: TETON CREEK , TETON CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 06N      | 46E   | 32      | NE SW NE 2            | TETON  |      |
| 06N      | 46E   | 32      | NE NW SE 3            | TETON  |      |

5. Description of diverting works:

Actual diversion from south leigh creek is in Wyoming at SENWNW Sec. 5 T44N R118W listed PODs are on Idaho side of state line.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/31 | 8      |            |

7. Total Quantity Appropriated is:

8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use           | Acres   |
|----------|-------|---------|----------------|---------------|---------|
| 05N      | 46E   | 5       | NE NE          | IRRIGATION    | 3173.84 |
|          |       |         |                | Section Acres | 3173.84 |
|          |       |         |                | Total Acres   | 3173.84 |

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right used with 22-379 and 22-608.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ of  
Title

South Leigh Canal, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of  
Title

South Leigh Canal and that the statements contained in the  
Organization

foregoing document are true and correct. David C. Gardin  
Signature of Authorized Agent

President - Leigh Creek Canal Co.  
Title and Organization

1/20/05  
Date

State of Idaho )  
County of Teton ) SS.

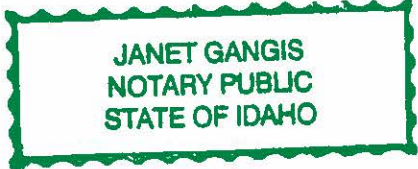
Subscribed and sworn (or affirmed) before me this 20<sup>th</sup>

of January 20 05

Janet Gangis  
Notary Public

Residing at Tetonia

My commission Expires 4/30/10



# Idaho Department of Water Resources Receipt

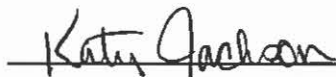
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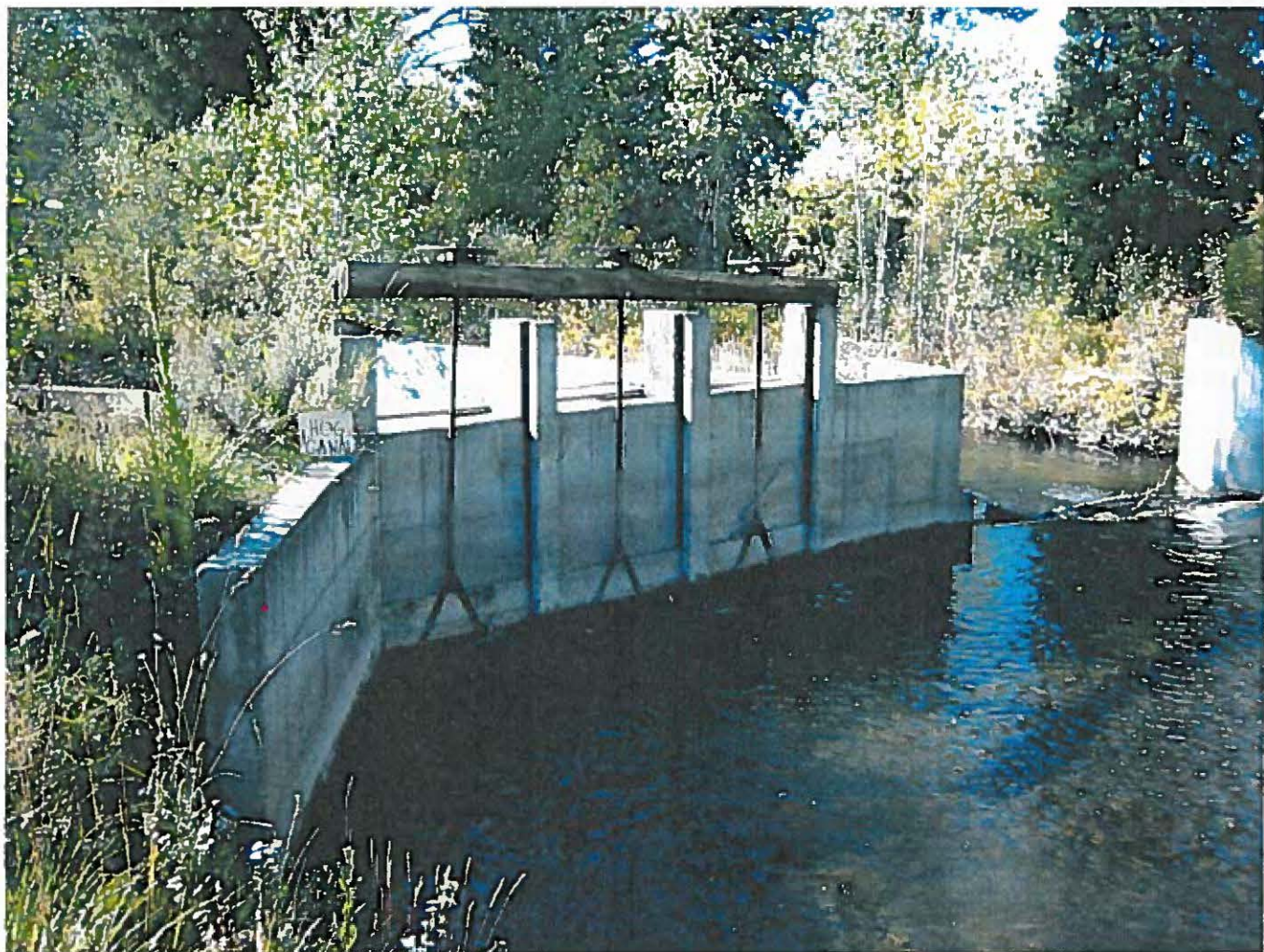
Payment Amount  Date Received  Region  Status   
Payment Type  Check Number

Payer Comment 

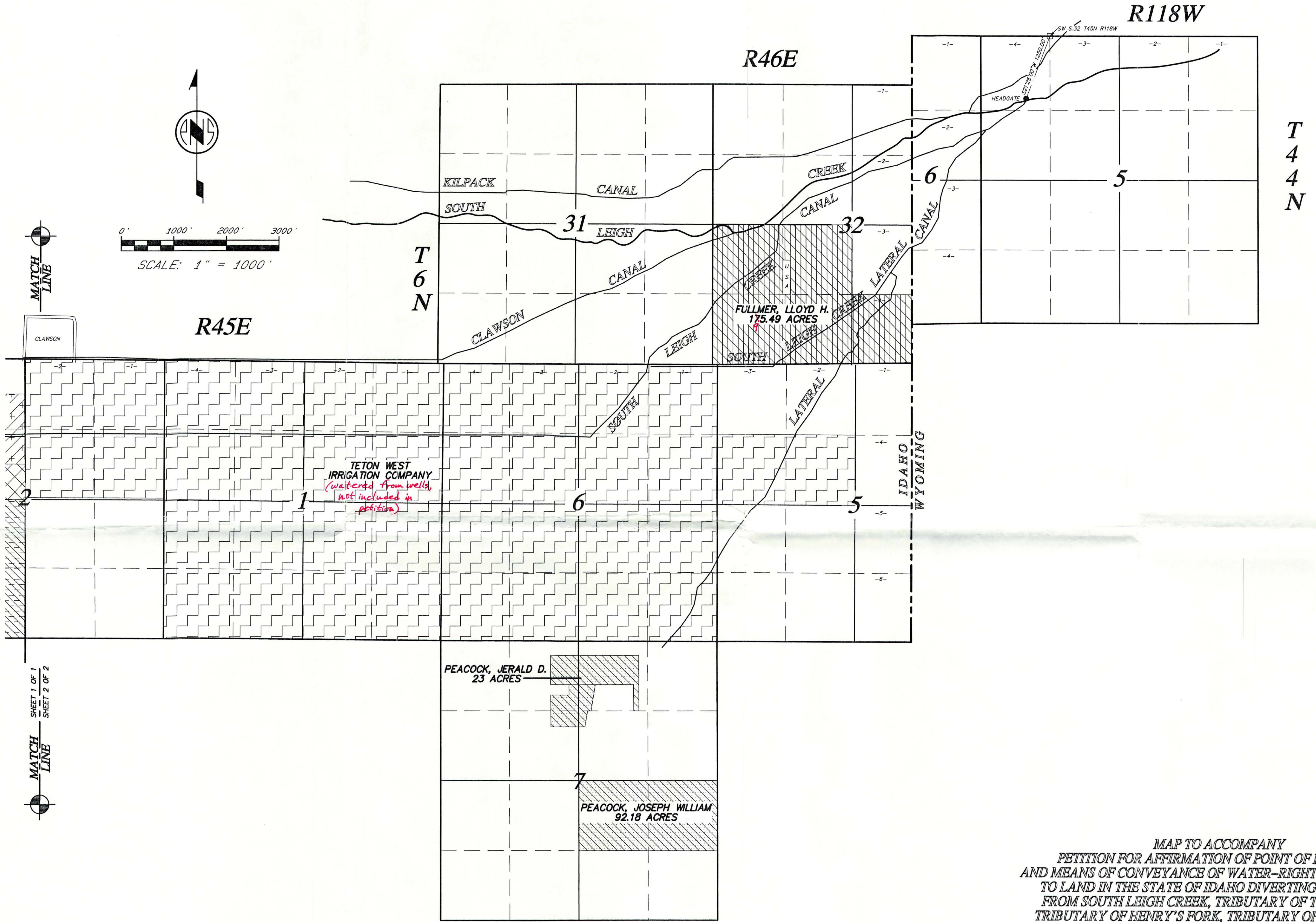
## Fee Detail

| Amount   | Description             | Fund | FD | PCA   | SO   |
|----------|-------------------------|------|----|-------|------|
| \$100.00 | ADJUDICATION FILING FEE | 0337 |    | 43503 | 1155 |

  
\_\_\_\_\_  
Signature Line (Dept. Representative)



DATE: MAR 2002 FILE: TETON.WB2

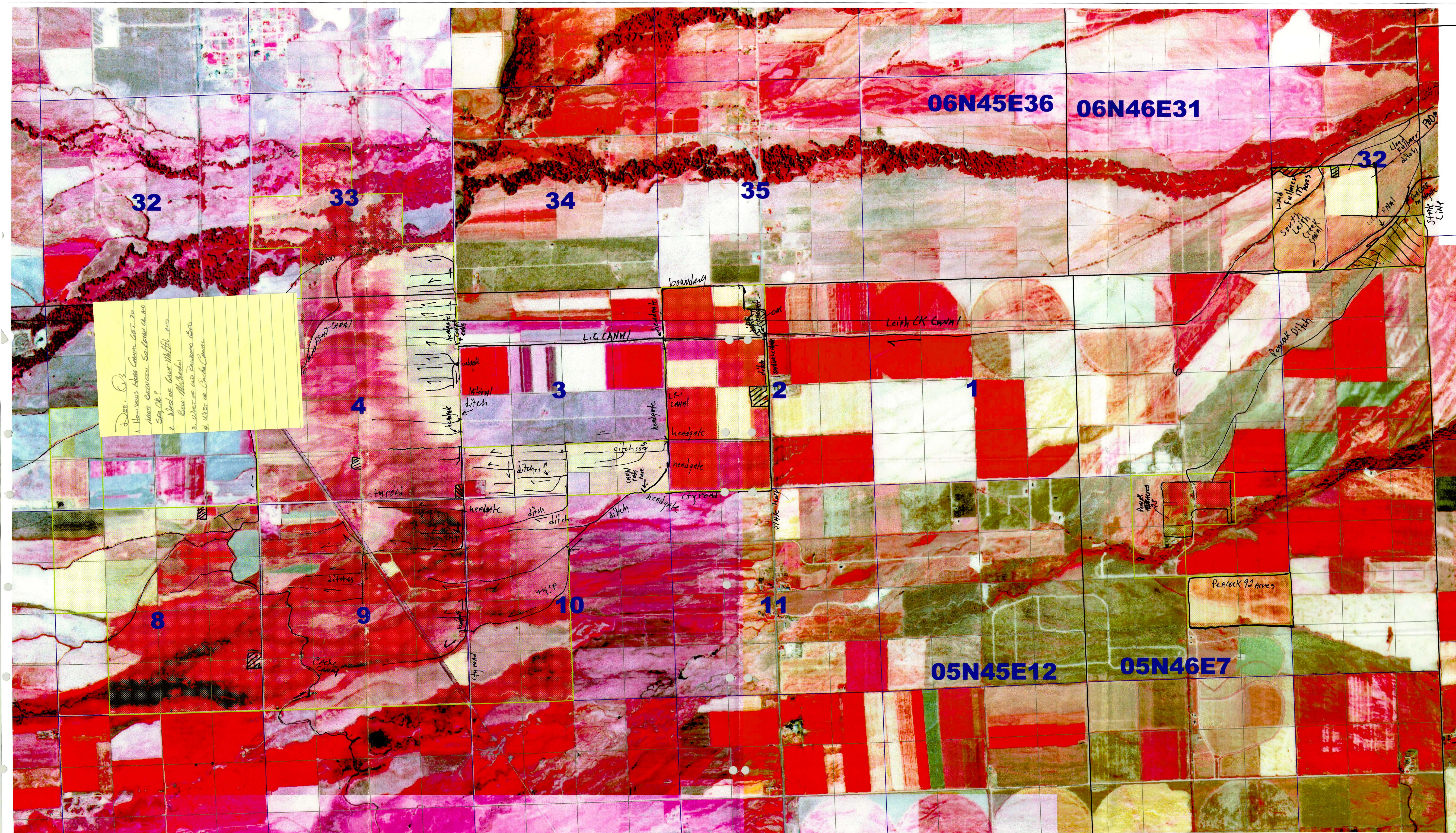


MAP TO ACCOMPANY  
PETITION FOR AFFIRMATION OF POINT OF DIVERSION  
AND MEANS OF CONVEYANCE OF WATER-RIGHTS APPURTENANT  
TO LAND IN THE STATE OF IDAHO DIVERTING IN WYOMING  
FROM SOUTH LEIGH CREEK, TRIBUTARY OF TETON RIVER,  
TRIBUTARY OF HENRY'S FORK, TRIBUTARY OF SNAKE RIVER  
THROUGH THE SOUTH LEIGH CREEK CANAL WITH  
PRIORITIES OF 1 JUNE 1898 AND 16 JUNE 1900

PETITIONER:  
LEIGH CREEK CANAL COMPANY  
446 WEST HIGHWAY 33  
TETONIA, IDAHO 83452  
SHEET 2 OF 2

GRANTED:  
ALLAN CUNNINGHAM EX OFFICIO SECRETARY  
BOARD OF CONTROL

# Leigh Creek Canal Company Draft Service Area and Irrigated Acres

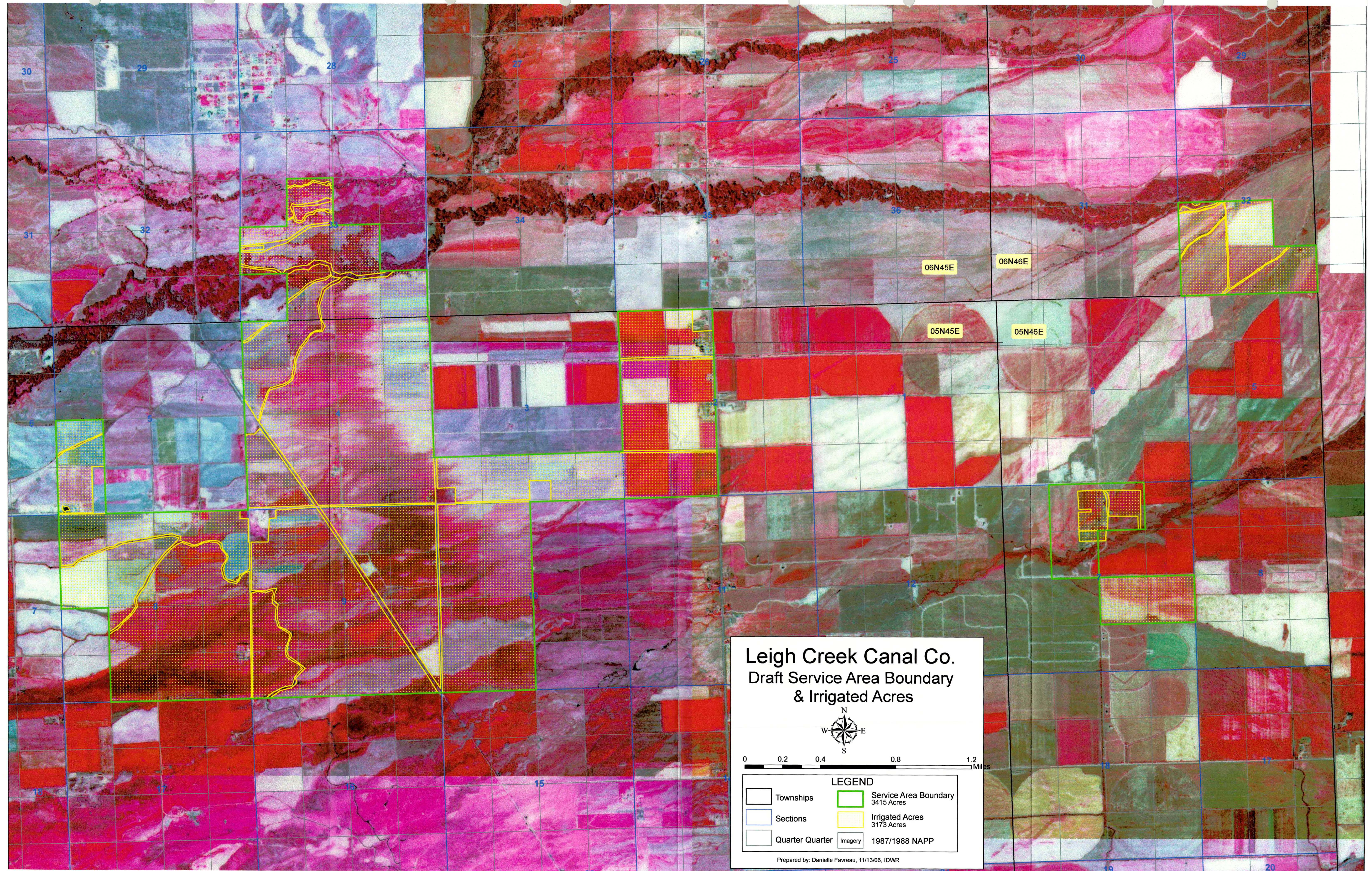


**LEGEND**

|                                                                                     |                 |                                                                                     |                                |
|-------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------|--------------------------------|
|  | Townships       |  | Boundary - 3415.1 acres        |
|  | Sections        |  | Irrigated Acres - 3288.3 acres |
|  | Quarter Quarter |  | 1987-1988 Color IR             |



POUID = 700878  
Prepared By: Danielle Favreau  
2/11/05



Leigh Creek Canal Co.  
Draft Service Area Boundary  
& Irrigated Acres



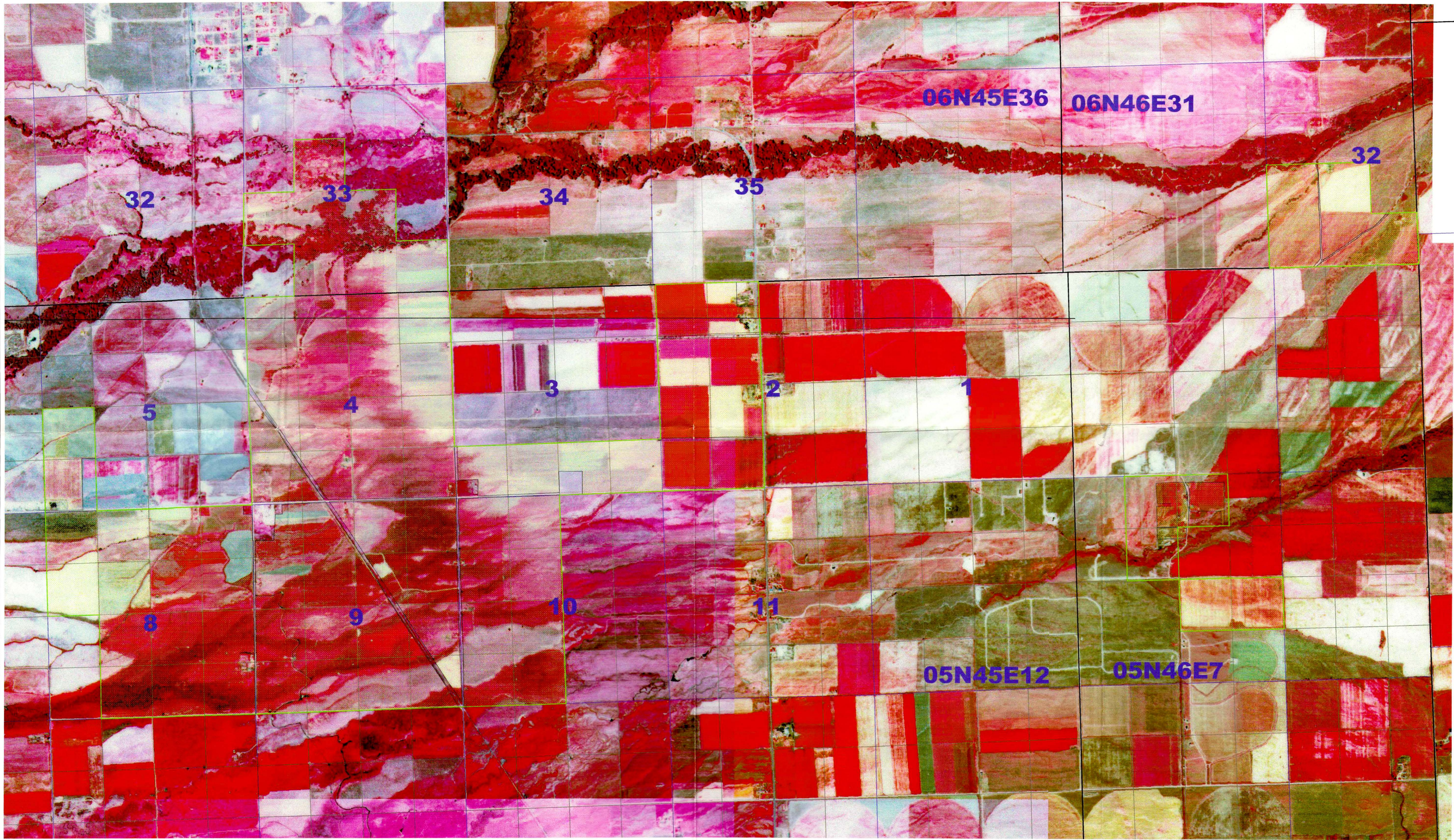
0 0.2 0.4 0.8 1.2 Miles

LEGEND

|                 |                                     |
|-----------------|-------------------------------------|
| Townships       | Service Area Boundary<br>3415 Acres |
| Sections        | Irrigated Acres<br>3173 Acres       |
| Quarter Quarter | Imagery 1987/1988 NAPP              |

Prepared by: Danielle Favreau, 11/13/06, IDWR

# Leigh Creek Canal Company Draft Service Area and Irrigated Acres



**LEGEND**

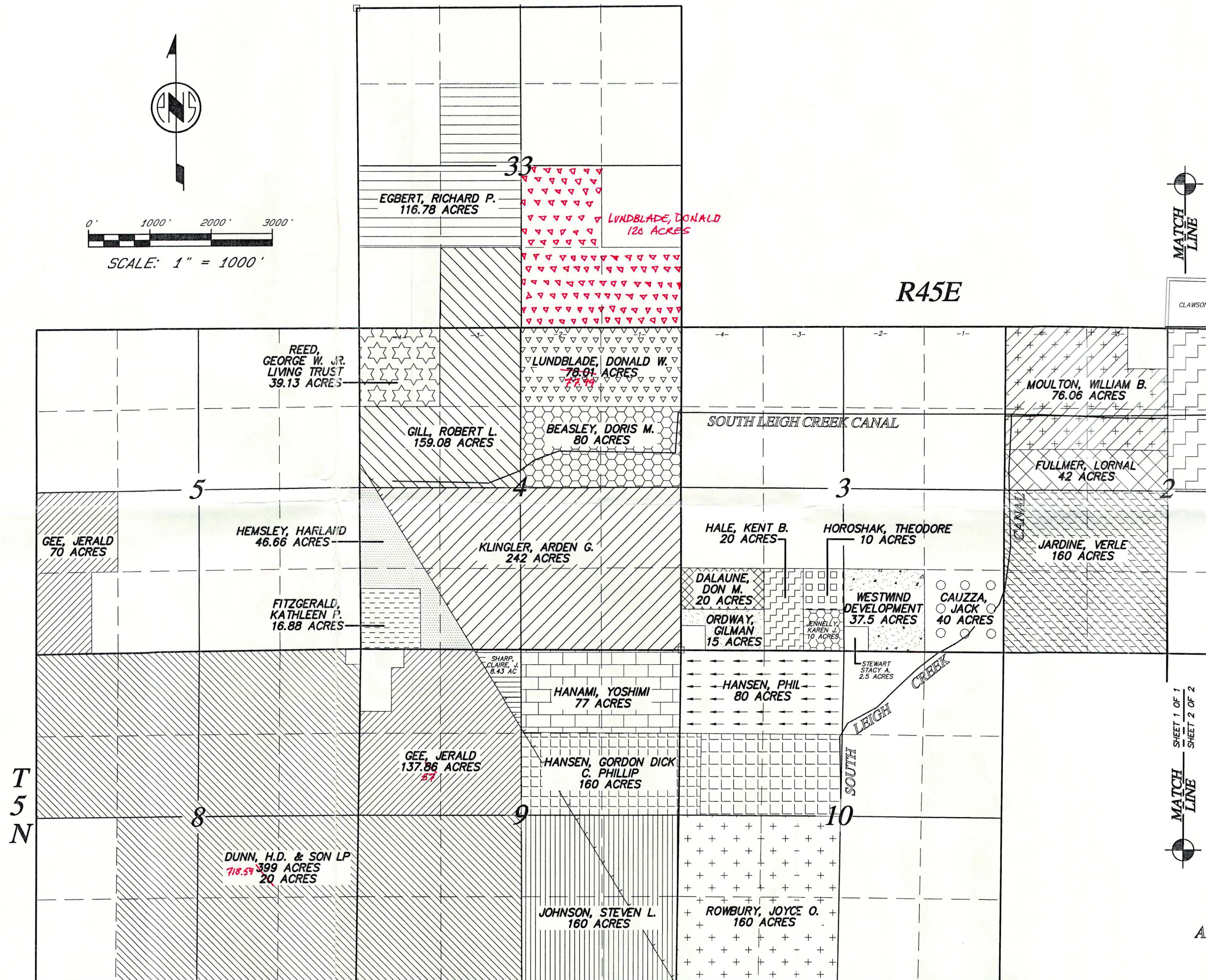
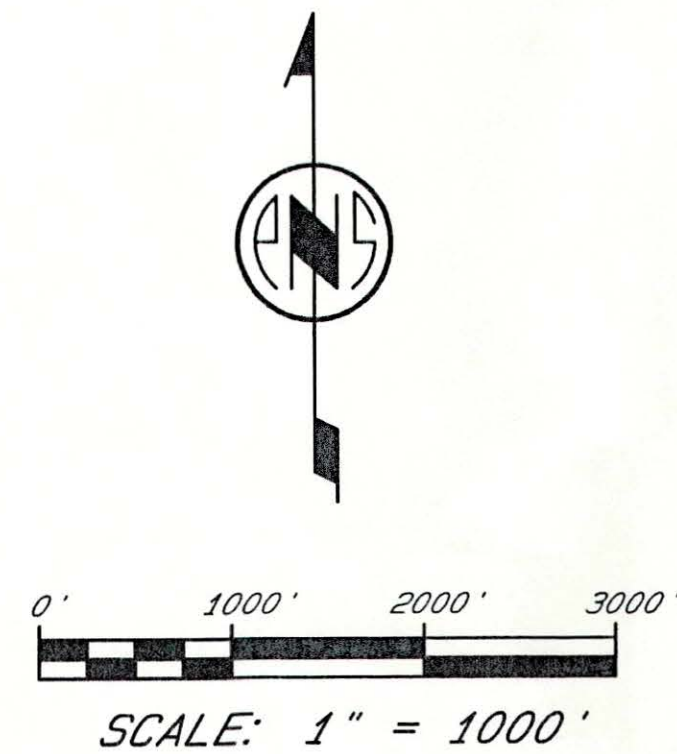
|                                                                                                     |                                                                                                                    |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
|  Townships       |  Boundary - 3415.1 acres        |
|  Sections        |  Irrigated Acres - 3288.3 acres |
|  Quarter Quarter |  IMAGE 1987-1988 Color IR       |

RECEIVED  
FEB 28 2005  
Department of Water Resources  
Eastern Region



POUID - 700878  
Prepared By: Danielle Favreau  
2/11/05

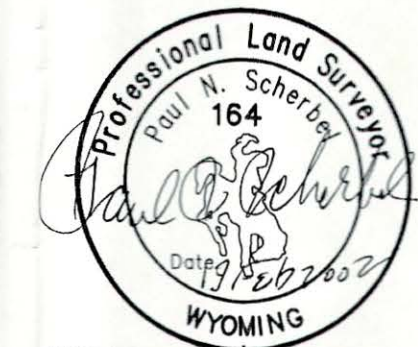
LEIGH Creek Canal (AVA: Haggan)  
 22-378  
 22-379  
 22-608



# CERTIFICATE OF SURVEYOR

STATE OF WYOMING )  
 COUNTY OF SUBLETTE )ss..

I, PAUL N. SCHERBEL, OF BIG PINEY, COUNTY OF SUBLETTE, STATE OF WYOMING, HEREBY CERTIFY THAT THIS MAP WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME, ON 30 MAY 1998, FROM U.S. GEOLOGICAL SURVEY QUADRANGLE MAPS, "TETONIA" AND "CLAWSON", AND FROM RECORDS OF THE LEIGH CREEK CANAL COMPANY AND FROM RECORDS IN THE OFFICE OF THE RECORDER OF THE COUNTY OF TETON; AND THAT IT CORRECTLY REPRESENTS THE FACILITY, THE LOCATION AND THE AREA OF THE LANDS IRRIGATED IN EACH SUBDIVISION, AND THE LOCATION OF STREAMS AS DESCRIBED IN THE ACCOMPANYING PETITION.



PROFESSIONAL LAND SURVEYOR  
 WYOMING REGISTRATION NO. 164  
 IDAHO REGISTRATION NO. 3990

## LEGEND

□ INDICATES A CORNER RECORD ON FILE.

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 PETITION FOR AFFIRMATION OF POINT OF DIVERSION  
 AND MEANS OF CONVEYANCE OF WATER-RIGHTS APPURTENANT  
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 TRIBUTARY OF HENRY'S FORK, TRIBUTARY OF SNAKE RIVER  
 THROUGH THE SOUTH LEIGH CREEK CANAL WITH  
 PRIORITIES OF 1 JUNE 1898 AND 16 JUNE 1900

SRBA Claim No. 22-379

PETITIONER:  
 LEIGH CREEK CANAL COMPANY  
 446 WEST HIGHWAY 33  
 TETONIA, IDAHO 83452

SHEET 1 OF 2

GRANTED:  
 ALLAN CUNNINGHAM EX-OFFICIO SECRETARY  
 BOARD OF CONTROL